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10/549,825

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EXAMINER

TRAN, PHILIP B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,825	Applicant(s) GERVAIS ET AL.	
	Examiner Philip B. Tran	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/20/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 26 is objected to because of the following informalities: claim 26, line 8, the term “steam” should be “stream” or equivalent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-8, 10-12, 15-16 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dillon, U.S. Pat. No. 6,351,467.

Regarding claim 6, Dillon teaches a method of receiving a packetized program stream and distributing the packetized program stream through a data network [see Abstract and Fig. 2], comprising the steps of:

receiving a plurality of packetized program streams from a signal source, each packetized program stream having associated therewith program identification information (i.e., receiving, at a plurality of receivers, multicast media information from broadcast source such as a satellite through a network) [see Fig. 2 and Col. 8, Line 63 to Col. 9, Line 15];

receiving a request for a particular packetized program stream, the request including a multicast address and determining program identification

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information associated with the particular packetized program stream using a predetermined algorithm and the multicast address and acquiring the particular packetized program stream using the determined program identification information (i.e., receiving a packet including a multicast address with PID) [see Fig. 2 and Col. 16, Lines 4-18]; and

transmitting, on the data network, the particular packetized program stream in accordance with a transport format associated with the data network using the multicast address (i.e., package transmission over the network using the multicast address) [see Col. 17, Line 1 to Col. 18, Line 14].

Regarding claims 7-8, Dillon further teaches the method according to claim 6, wherein the data network comprises an Ethernet based network, and the transmitting step comprises encapsulating the particular packetized program stream according to the Internet Protocol transport format and wherein the determining step comprises determining a program ID (PID) number in response to the multicast address [see Col. 16, Lines 4-18].

Regarding claim 10, Dillon teaches a method for receiving a packetized program signal in a data network [see Abstract and Fig. 2], comprising the steps of:

receiving a user request for a particular packetized program stream from a plurality of packetized program streams (i.e., receiving, at a plurality of receivers,

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multicast media information from broadcast source such as a satellite through a network) [see Fig. 2 and Col. 8, Line 63 to Col. 9, Line 15];

determining a multicast address associated with the particular packetized program stream using a predetermined algorithm and identification information associated with the particular packetized program information (i.e., receiving a packet including a multicast address with PID) [see Fig. 2 and Col. 16, Lines 4-18]; and

transmitting a request for the particular packetized program stream, the request including the multicast address, to a device coupled to a source of the plurality of packetized program streams and acquiring, from the data network, packetized data having the particular program stream included therein and being associated with the multicast address and deriving the packetized program stream from the acquired packetized data (i.e., package transmission over the network using the multicast address) [see Col. 17, Line 1 to Col. 18, Line 14].

Regarding claim 11, Dillon further teaches the method according to claim 10, wherein the data network comprises an Ethernet based network, and the acquiring step comprises acquiring the particular packetized program stream that is encapsulated according to the Internet Protocol transport format [see Col. 16, Lines 4-18].

Regarding claim 12, Dillon further teaches the method according to claim 11, wherein the plurality of packetized program streams are received from a satellite signal source [see Fig. 2].

Claim 15 is rejected under the same rationale set forth above to claim 10.

Claim 16 is rejected under the same rationale set forth above to claim 11.

Regarding claim 26, Dillon teaches a plurality of satellite receivers for receiving packetized data [see Abstract and Fig. 2], comprising:

- a group of said plurality of satellite receivers forming a first internet protocol multicast group, each satellite receiver of said group of satellite receivers being Ethernet capable [see Fig. 2 and Col. 16, Lines 4-18];

- each satellite receiver of said group of satellite receivers, further comprising:

- means for processing packetized data [see Col. 16, Lines 20-52];

- means for tuning to at least one satellite elementary stream packet via its multicast address [see Fig. 2]; and

- means for receiving program or service guide information (EPG) [see Col. 9, Lines 16-45 and Col. 20, Lines 28-45].

Regarding claim 27, Dillon further teaches the plurality of satellite receivers according to claim 26, further comprising:

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means for receiving a command to change channels [see Fig. 2 and Col. 5, Lines 53-67]; and

means for dis-associating itself from said first internet protocol multicast group and means for associating itself with a second internet protocol multicast group based on a channel change [see Col. 18, Lines 15-65].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 13, 17 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, U.S. Pat. No. 6,351,467 in view of Field et al (Heareafter, Field), U.S. Pat. No. 6,018,764.

Regarding claim 1, Dillon teaches a method of receiving a packetized program stream from a satellite source and distributing the packetized program stream through a data network [see Abstract and Fig. 2], comprising the steps of:

receiving a plurality of packetized program streams from the satellite source, each packetized program stream having associated therewith program identification information (i.e., receiving, at a plurality of receivers, multicast media information from broadcast source such as a satellite through a network) [see Fig. 2 and Col. 8, Line 63 to Col. 9, Line 15];

receiving a request for a particular packetized program stream, the request including a multicast address and determining program identification information associated with the particular packetized program stream using a predetermined algorithm and the multicast address and acquiring the particular packetized program stream using the program identification information (i.e., receiving a packet including a multicast address with PID) [see Fig. 2 and Col. 16, Lines 4-18]; and

transmitting, on the data network, the particular packetized program stream in accordance with a transport format associated with the data network using the multicast address (i.e., package transmission over the network using the multicast address) [see Col. 17, Line 1 to Col. 18, Line 14].

Dillon does not explicitly teach determining satellite identification information associated with the particular packetized program stream for tuning to a selected satellite and acquiring the particular packetized program stream using the determined satellite identification information. However, Field, in the

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same field of satellite broadcasting information endeavor, discloses satellite identifier associated with broadcast address for tuning to selected satellite and broadcasting program [see Field, Col. 6, Lines 15-27]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Field into the teaching of Dillon in order to efficiently select a particular satellite with associated broadcasting program.

Regarding claim 2, Dillon further teaches the method according to claim 1, wherein the data network comprises an Ethernet based network, and the transmitting step comprises encapsulating the particular packetized program stream according to the Internet Protocol transport format [see Col. 16, Lines 4-18].

Regarding claim 3, Dillon further teaches the method according to claim 2, wherein the determining step comprises determining a program ID (PID) in response to the multicast address [see Col. 16, Lines 4-18]. Dillon does not explicitly teach determining satellite number, and transponder number in response to the multicast address. However, Field, in the same field of satellite broadcasting information endeavor, discloses satellite identifier and transponder identifier associated with broadcast address for tuning to selected satellite and broadcasting program [see Field, Col. 6, Lines 15-27]. It would have been obvious to one having ordinary skill in the art at the time of the invention was

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made to incorporate the teaching of Field into the teaching of Dillon in order to efficiently select a particular satellite with associated broadcasting program.

Regarding claim 13, Dillon does not explicitly teach the method according to claim 12, wherein the determining step comprises determining the multicast address in response to a program ID (PID) [see Col. 16, Lines 4-18]. Dillon does not explicitly teach determining satellite number, and transponder number in response to the multicast address. However, Field, in the same field of satellite broadcasting information endeavor, discloses satellite identifier and transponder identifier associated with broadcast address for tuning to selected satellite and broadcasting program [see Field, Col. 6, Lines 15-27]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Field into the teaching of Dillon in order to efficiently select a particular satellite with associated broadcasting program.

Claim 17 is rejected under the same rationale set forth above to claim 13.

Regarding claim 20, Dillon teaches a digital server for receiving a packetized program stream from a satellite source and distributing said packetized program stream through a network [see Abstract and Fig. 2], comprising:

means for encapsulating said packetized program stream in a first transport protocol into packetized data in a second transport protocol (i.e., multi-protocol encapsulate packet) [see Col. 16, Lines 4-18];

means for assigning a unique internet protocol multicast address to each packetized program stream [see Col. 5, Lines 11-21 and Col. 17, Lines 1-11 and Col. 30, Lines 23-26]; and

a plurality of receivers to which to distribute said packetized data, wherein a group of said plurality of said receivers form a internet protocol multicast group [see Fig. 2 and Col. 15, Line 25 to Col. 16, Line 52].

Dillon does not explicitly teach satellite identification data is mapped to said uniquely assigned internet protocol multicast address. However, Field, in the same field of satellite broadcasting information endeavor, discloses satellite identifier and transponder identifier associated with broadcast address for tuning to selected satellite and broadcasting program [see Field, Col. 6, Lines 15-27]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Field into the teaching of Dillon in order to efficiently select a particular satellite with associated broadcasting program.

Regarding claim 21, Dillon further teaches the digital server according to claim 20, wherein said packetized program stream is in digital protocol/format [see Col. 16, Lines 4-18].

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Regarding claim 22, Dillon further teaches the digital server according to claim 20, wherein said satellite identification data includes transport protocol format program identification [see Col. 16, Lines 4-18]. Dillon does not explicitly teach said satellite identification data includes satellite identification and transponder identification. However, Field, in the same field of satellite broadcasting information endeavor, discloses satellite identifier and transponder identifier associated with broadcast address for tuning to selected satellite and broadcasting program [see Field, Col. 6, Lines 15-27]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Field into the teaching of Dillon in order to efficiently select a particular satellite with associated broadcasting program.

Regarding claim 23, Dillon further teaches the digital server according to claim 20, further comprising a quality of service switch [see Fig. 2].

Regarding claim 24, Dillon further teaches the digital server according to claim 23, wherein said quality of service switch is connected to an ethernet quadrature amplitude modulation switch for distribution of packetized data to at least one receiving unit [see Fig. 2 and Col. 16, Lines 4-18].

Regarding claim 25, Dillon further teaches the digital server according to claim 24, wherein said ethernet quadrature amplitude modulation switch is

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connected to a plain old telephone service switch for distribution of telephone service [see Col. 23, Lines 7-25].

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, U.S. Pat. No. 6,351,467 in view of Suzuki et al (Heareafter, Suzuki), U.S. Pat. No. 5,864,358.

Regarding claim 9, Dillon does not explicitly teach the method according to claim 8, wherein the determining step comprises determining the program ID from predetermined bit positions in the multicast address. However, Suzuki, in the same field of satellite broadcasting information endeavor, discloses determining the program ID (PID) and transponder number from predetermined bit positions in the multicast address for tuning to selected satellite and broadcasting program [see Suzuki, Fig. 15]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Suzuki into the teaching of Dillon in order to efficiently identify a particular satellite with associated broadcasting program.

7. Claims 4-5, 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, U.S. Pat. No. 6,351,467 in view of Field et al (Heareafter, Field), U.S. Pat. No. 6,018,764 and further in view of Suzuki et al (Hereafter, Suzuki), U. S. Pat. No. 5,864,358.

Regarding claims 4-5, Dillon and Field do not explicitly teach the method according to claim 3, wherein the determining step comprises determining the

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program ID (PID), satellite number, and transponder number from predetermined bit positions in the multicast address and wherein the program ID (PID) is disposed in bits 0-12, the satellite number is disposed in bits 13-15, and the transponder number is disposed in bits 18-22 of the multicast address. However, Suzuki, in the same field of satellite broadcasting information endeavor, discloses determining the program ID (PID), satellite number, and transponder number from predetermined bit positions in the multicast address for tuning to selected satellite and broadcasting program [see Suzuki, Fig. 15]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Suzuki into the teaching of Dillon and Field in order to efficiently identify a particular satellite with associated broadcasting program.

Regarding claim 14, Dillon and Field do not explicitly teach the method according to claim 13, wherein the determining step comprises mapping the program ID (PID), satellite number, and transponder number into predetermined bit positions in the multicast address. However, Suzuki, in the same field of satellite broadcasting information endeavor, discloses determining the program ID (PID), satellite number and transponder number from predetermined bit positions in the multicast address for tuning to selected satellite and broadcasting program [see Suzuki, Fig. 15]. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the teaching of

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Suzuki into the teaching of Dillon in order to efficiently identify a particular satellite with associated broadcasting program.

Claims 18-19 are rejected under the same rationale set forth above to claim 14.

Other References Cited

8. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Kloper, U.S. Pat. Application Pub. No. US 2003/0112878 A1.

B) Powell et al, U.S. Pat. Application Pub. No. US 2002/0073167 A1.

C) Monta et al, U.S. Pat. No. 7,039,048.

D) Lausier, U.S. Pat. No. 7,174,373.

E) Birdwell et al, U.S. Pat. No. 6,993,008.

F) Pecus et al, U.S. Pat. No. 7,237,017.

G) Michener, U.S. Pat. No. 76,744,789.

9. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2455
Mar 14, 2009